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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,942	10/30/2003	Larry W. White	DC-05626	9081

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EXAMINER	
COUGHLAN, PETER D	

ART UNIT	PAPER NUMBER
2129	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,942	WHITE ET AL.	
	Examiner	Art Unit	
	Peter Coughlan	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

1. This office action is in response to an AMENDMENT entered June 20, 2007 for the patent application 10/696942 filed on October 30 2003.

2. All previous office actions are fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-24 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 9, 16, 17 and 24 are rejected under 35 U.S.C. 102(e) (hereinafter referred to as **Ferguson**) being clearly anticipated by Ferguson et al., U.S. Patent Publication 20030130899.

Claim 1

Ferguson anticipates identifying excursions to a general solution on a system model basis (**Ferguson,** ¶0154; 'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result.); saving the excursions within the solution network on a system model basis (**Ferguson,** ¶0188; 'Saving the excursions' of applicant is equivalent to setting the weights of the neural network.); and when accessing the solution network, searching the solution network to determine whether an excursion solution exists, and (**Ferguson,** ¶0217 and ¶0218; 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson.) presenting support knowledge to a customer based upon the accessing, the support knowledge including the excursion solution when the excursion solution exists.(**Ferguson,** ¶0009; 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson.)

Claim 9

Ferguson anticipates means for identifying excursions to a general solution on a system model basis (**Ferguson,** ¶0154; 'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result.); means for saving the excursions within the solution network on a system model basis(**Ferguson,** ¶0188, ¶0154, abstract; 'Saving the excursions' of applicant is equivalent to setting the weights of the neural network. 'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson.); and, means for searching the solution network to determine whether an excursion solution exists when accessing the solution network, and (**Ferguson,** ¶0217 and ¶0218; 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson.) means for presenting support knowledge to a customer based upon the accessing, the support knowledge including the excursion solution when the excursion solution exists. (**Ferguson,** ¶0009; 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson.)

Claim 17

Ferguson anticipates a knowledge repository, the knowledge repository storing information regarding general solutions to issues, the knowledge repository storing information relating to excursions to general solutions, the

excursions being searchable on a system model basis (**Ferguson,** ¶0154, abstract ; 'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result. 'Knowledge repository ... regarding general solutions to issues' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson. 'Being searchable' of applicant is demonstrated by being able to 'search the historical database' of Ferguson.); an excursion identifying module, the excursion identifying module identifying excursions to the general solutions on a system model basis (**Ferguson,** ¶0154; 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson.); a search module, the search module searching the solution network to determine whether an excursion solution exists when accessing the solution network; and (**Ferguson,** ¶0217, ¶0218 and Figure 10, ¶0154, abstract; 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. 'Search module' of applicant is equivalent to 'Postprocess Results' (68) in Fig. 10 of Ferguson. 'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson.) a presenting module, the presenting module presenting support knowledge to a customer based upon the accessing, the support knowledge including the excursion solution when the excursion solution exists. (**Ferguson,** ¶0009; 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable

object, result or service' of Ferguson. The 'presenting module' of applicant is the code which generates 'outputs' of Ferguson.)

Claims 8, 16 and 24.

Ferguson anticipates the system includes an information handling system. (**Ferguson,** ¶0105; 'Information handling system' of applicant is equivalent to 'computer system' of Ferguson.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

Claims 2, 3, 4, 10, 11, 12, 18, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, as set forth above, and further in view of Collins. (U. S. Patent Publication 20040243998, referred to as **Collins**)

Claims 2, 10 and 18.

Ferguson does not teach the excursions are identifiable based upon a unique system identifier.

Collins teaches the excursions are identifiable based upon a unique system identifier. (**Collins,** ¶0022; 'Excursions' and 'unique system identifier' of applicant is equivalent to 'corrupted' and 'unique identifier' of Collins.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by using a particular identifier as taught by Collins to have teaches the excursions are identifiable based upon a unique system identifier.

For the purpose of narrowing the scope of search to a given system.

Claims 3, 11 and 19.

Ferguson does not teach the unique system identifier is a service tag.

Collins teaches the unique system identifier is a service tag. (**Collins,** ¶0022) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by using a service tag within the unique system field to focus in on a solution as taught by Collins to have the unique system identifier is a service tag.

For the purpose of setting forth the proper configuration of a particular unique system.

Claims 4, 12 and 20.

Ferguson does not teach storing the excursion exception within the solution network based upon a part identifier.

Collins teaches storing the excursion exception within the solution network based upon a part identifier. (**Collins,** ¶0022; 'Part identifier' of applicant is equivalent to 'express service code' of Collins. Collins states that corrupted software (excursion) is linked (identifiable) to an express service code. (part identifier)) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by linking the solution to the current situation characteristics as taught by Collins to store the excursion exception within the solution network based upon a part identifier.

For the purpose of obtaining a correct solution for a given excursion.

Claim Rejections - 35 USC § 103

Claims 5, 6, 7, 13, 14, 15, 21, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, as set forth above, and further in view of Markham. (U. S. Patent Publication 20030158795, referred to as **Markham**)

Claims 5, 13 and 21.

Ferguson does not teach storing the excursion exception within the solution network based upon a system model identifier.

Markham teaches storing the excursion exception (**Markham,** ¶0008; 'Excursion exception' of applicant is equivalent to 'event parameters' of Markham.) within the solution network (**Markham,** ¶0043; 'Solution' of applicant is equivalent to 'maintenance' of Markham.) based upon a system model identifier (**Markham,** ¶0081; 'System model identifier' of applicant is equivalent to 'vendor' of Markham.)

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by having routine maintenance required based on vendor type as taught by Markham to store the excursion exception within the solution network based upon a system model identifier.

For the purpose of using vendor type as an input parameter for maintenance schedule.

Claims 6, 14 and 22.

Ferguson does not teach storing the excursion exception within the solution network based upon a system manufacture date.

Markham teaches storing the excursion exception (**Markham,** ¶0008; 'Excursion exception' of applicant is equivalent to 'event parameters' of Markham.) within the solution network (**Markham,** ¶0043; 'Solution network' of applicant is equivalent to 'maintenance' of Markham.) based upon a system manufacture date. (**Markham,** ¶0081; 'System manufacture date' of applicant is equivalent to 'manufacture date' of Markham.)It would have been obvious to a

person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by using manufacturing date as a input parameter routine maintenance as taught by Markham to store the excursion exception within the solution network based upon a system manufacture date.

For the purpose of keeping track of possible poor manufacturing from outside vendors within a given time period.

Claims 7, 15 and 23.

Ferguson does not teach searching the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an excursion solution exists being performed before searching to solution network for general solutions.

Markham teaches searching the solution network for general solutions when no excursion solution exists, the searching the solution network to determine whether an excursion solution exists being performed before searching to solution network for general solutions. (**Markham,** ¶0049; 'Solution network for general solutions' of applicant is equivalent to Markham being integrated to outside systems for solutions.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Ferguson by having another source for possible solutions as taught by Markham to search the solution network for general solutions when no excursion solution exists, the searching the solution network to determine

whether an excursion solution exists being performed before searching to solution network for general solutions.

For the purpose of having access to a possible solution when none could be found when using the excursion solution system.

Response to Arguments

Applicant's arguments filed on June 20, 2007 for claims 1-24 have been fully considered but are not persuasive.

6. In reference to the Applicant's argument:

The present invention generally relates to a knowledge management system which includes the ability to flag predetermined systems that have a known exception (i.e., an excursion) and render a solution based upon the known excursion.

More specifically, the present invention, as set forth by independent claim. 1, relates to a method for identifying excursions to general solutions provided by a solution network. The method includes identifying excursions to a general solution on a system model basis, saving the excursions within the solution network on a model system basis, and when accessing the solution network, searching the solution network to determine whether an excursion solution exists.

The present invention, as set forth by independent claim 9, relates to an apparatus for identifying excursions to general solutions provided by a solution network. The apparatus includes means for identifying excursions to a general solution on a system model basis, means for saving the excursions within the solution network on a system model basis, and means for searching the solution network to determine whether an excursion solution exists when accessing the solution network.

The present invention, as set forth by independent claim 17, relates to a solution network which includes a knowledge repository, an excursion identifying module, and a search module. The knowledge repository stores information regarding general solutions relating to issues and information relating to excursions to general solutions. The excursions are searchable on a system model basis. The excursion identifying module identifies excursions to the general solutions on a system basis. The search module searches the solution network to determine whether an excursion solution exists when accessing the solution network.

Ferguson discloses a system for historical database training of non-linear models. The non-linear model is trained with training sets of electronic commerce data. The system detects availability of new training data, and constructs a training set from the corresponding input data. Over time, many training sets are presented to the non-linear model. The training sets are presented each time a new training set is constructed.

The Examiner cites to the following portion of Ferguson to support the contention that Ferguson discloses storing excursions on a system model basis:

The neural network may be trained using back propagation with historical data or any of several other neural network training methods, as would be familiar to one skilled in the art. The above-mentioned information, including results of previous transactions of the user responding to previous inducements, which may be collected during the e-commerce transaction, may be used to update the predictive model(s). The predictive model may be updated either in a batch mode, such as once per day or once per week, or in a real-time mode, wherein the model(s) are updated continuously as new information is collected (Ferguson ¶ 0154).

However, nowhere within this portion of Ferguson, or anywhere else within Ferguson, is there any disclosure or suggestion of storing and searching excursions on a system model basis as disclosed and claimed. As set forth within the present application, "system model basis" is a basis where information is stored based upon a system model. Merely stating that a "neural network" as disclosed by Ferguson is equivalent to a system model basis is insufficient to overcome the Examiner's obligation to establish a prima facie case.

Examiner's response:

A neural network is a good example of a system model basis. Input goes into a neural network and depending how the neural network is designed to function, an output results based on the design. 'System model basis' of

applicant is equivalent to 'neural network' of Ferguson. 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result. (**Ferguson,** ¶0154) 'Saving the excursions' of applicant is equivalent to setting the weights of the neural network. (**Ferguson,** ¶0188) 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. (**Ferguson,** ¶0217 and ¶0218) 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson. (**Ferguson,** ¶0009)

7. In reference to the Applicant's argument:

More specifically, Ferguson, taken alone or in combination, does not teach or suggest a method for identifying excursions to general solutions provided by a solution network where the method includes identifying excursions to a general solution on a system model basis, saving the excursions within the solution network on a system model basis, and when accessing the solution network, searching the solution network to determine whether an excursion solution exists, all as required by claim 1. Accordingly, claim 1 is allowable over Ferguson. Claims 2 - 8 depend from claim 1 and are allowable for at least this reason.

Examiner's response:

'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'Identifying excursions' to general solutions of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result. (**Ferguson,** ¶0154)

'Saving the excursions' of applicant is equivalent to setting the weights of the neural network. (**Ferguson,** ¶0188) 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. (**Ferguson,** ¶0217 and ¶0218) 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson. (**Ferguson,** ¶0009) 'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson. (**Ferguson,** ¶0154, abstract)

8. In reference to the Applicant's argument:

Ferguson, taken alone or in combination, does not teach or suggest an apparatus for identifying excursions to general solutions provided by a solution network where the apparatus includes means for identifying excursions to a general solution on a system model basis, means for saving the excursions within the solution network on a system model basis, and means for searching the solution network to determine whether an excursion solution exists when accessing the solution network, all as required by claim9. Accordingly, claim 9 is allowable over Ferguson. Claims 10 - 16 depend from claim 9 and are allowable for at least this reason.

Examiner's response:

'System model basis' of applicant is equivalent to 'neural network' of Ferguson. 'Identifying excursions' to general solutions of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result. (**Ferguson,** ¶0154) 'Saving the excursions' of applicant is equivalent to setting the weights of the

neural network. (**Ferguson,** ¶0188) 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. (**Ferguson,** ¶0217 and ¶0218) 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson. (**Ferguson,** ¶0009) 'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson. (**Ferguson,** ¶0154, abstract)

9. In reference to the Applicant's argument:

Ferguson, taken alone or in combination, does not teach or suggest a solution network which includes, a knowledge repository and an excursion identifying module where the knowledge repository stores information regarding general solutions relating to issues and information relating to excursions to general solutions and the excursions are searchable on a system model basis and the excursion identifying module identifies excursions to the general solutions on a system basis and the search module searches the solution network to determine whether an excursion solution exists when accessing the solution network, all as required by claim 17. Accordingly, claim 17 is allowable over Ferguson. Claims 18 - 24 depend from claim 17 and are allowable for at least this reason.

Examiner's response:

'Solution network' of applicant is equivalent to 'historical database and constructing training sets' of Ferguson. (**Ferguson,** ¶0154, abstract) 'Knowledge repository' of applicant is equivalent to 'historical database' of Ferguson. 'Identifying excursions' to general solutions of applicant is equivalent to 'training' of a neural network of Ferguson. (**Ferguson,** ¶0154) Databases are searchable. 'Excursions are searchable' of applicant is disclosed by construction of training

sets of Ferguson. 'System model basis' of applicant is equivalent to a neural network of Ferguson. Training a neural network constructs a system for finding general solutions of a given input. 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. 'Search module' of applicant is equivalent to 'Postprocess Results' (68) in Fig. 10 of Ferguson. (**Ferguson,** ¶0217, ¶0218 and Figure 10, ¶0154, abstract)

Examination Considerations

10. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

11. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and sprit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

12. Examiner's Opinion: Paragraphs 10 and 11 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Claims 1-24 are rejected.

Correspondence Information

15. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3080. Any response to this office action should be mailed to:

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Peter Coughlan

8/14/2007

JOSEPH P HIRL
PRIMARY EXAMINER
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